United Nations CEDAW/C/IRQ/CO/4-6

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth to sixth periodic reports of Iraq*

1. The Committee considered the combined fourth to sixth periodic reports of Iraq (CEDAW/C/IRQ/4-6) at its 1197th and 1198th meetings, on 18 February 2014 (see CEDAW/C/SR.1197 and 1198). The Committee's list of issues and questions is contained in CEDAW/C/IRQ/Q/4-6 and the responses of the Government of Iraq are contained in CEDAW/C/IRQ/Q/4-6/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its combined fourth to sixth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It highly appreciates the presence of the State party's delegation and the constructive dialogue and welcomes the delegation's oral presentation and the further clarifications provided in response to the questions posed orally by the Committee.

3. The Committee commends the State party's high-level delegation, which was headed by the Minister of State for Women's Affairs, Ibtehal Yaser. The delegation also included the Secretary-General of the High Council for Women's Affairs of the Kurdistan Region and representatives of various ministries, the General Secretariat of the Council of Ministers and the Kurdistan regional government.

B. Positive aspects

4. The Committee welcomes the progress achieved in a particularly difficult context since the consideration in 2000 of the State party's combined second and third periodic reports (CEDAW/C/IRQ/2-3) in undertaking legislative reforms, in particular the adoption of:

(a) Act No. 28 (2012) on combating trafficking in persons;

* Adopted by the Committee at its fifty-seventh session (10-28 February 2014).

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(b) Act No. 23 (2011) on combating illiteracy;

(c) Act No. 8 (2011) on domestic violence in the Kurdistan Region.

5. The Committee welcomes the adoption by the State party of the following policies:

(a) National Strategy to Combat Violence against Women (2013-2017), in March 2013;

(b) Strategy to combat violence against women in the Kurdistan Region (2012-2016), in November 2012;

(c) National Plan on Human Rights (2010-2014).

6. The Committee welcomes the State party's withdrawal of its reservation to article 9 of the Convention pursuant to Act No. 33 (2011).

7. The Committee welcomes the fact that, during the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities, in 2013;

(b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2011;

(c) International Convention for the Protection of All Persons from Enforced Disappearance, in 2010;

(d) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2008;

(e) United Nations Convention against Transnational Organized Crime, in 2008; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, in 2009; Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention, in 2009.

C. Principal areas of concern and recommendations

Council of Representatives, provincial councils and Kurdistan regional parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Council of Representatives and the Kurdistan regional parliament, in line with their respective mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

General context

9. The Committee welcomes the efforts and commitment of the State party towards peacebuilding and sustainable development. It notes that, since the fall of the previous regime in 2003 and the end of the sanctions regime, the State party has

been facing challenging times marked by political instability, the reinforcement of sectarian and ethnic divisions and the rise of religious extremism. It is concerned that those factors have contributed to an increase in violence and high levels of insecurity, to the detriment of the human rights and fundamental freedoms of women and men in the State party, and ultimately a sustained increase in civilian casualties, since the end of 2012. The Committee notes the disbanding of the State party's security sector after the fall of the previous regime and its efforts to reconstitute that sector. It is concerned, however, that the State party has engaged in initiatives aimed at strengthening the role of the security sector that have resulted in rampant impunity, as these initiatives have not given due consideration to the establishment of accountability mechanisms and the enforcement of the rule of law. The Committee is particularly concerned that this situation, along with pervasive corruption, has contributed to an increase in violence against women by State and non-State actors and to the reinforcement of traditional and patriarchal attitudes that limit women's and girls' enjoyment of their rights.

10. **In line with its general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, the Committee calls upon the State party:**

(a) **To adopt a holistic security sector reform framework for building the capacity of the security forces that incorporates a gender-sensitive and gender-responsive perspective and focuses on full respect for human rights and the rule of law; ensure that the security sector reform is subject to oversight and that accountability mechanisms, with sanctions, are in place;**

(b) **To ensure that the rule of law is enforced and engage in a reform of the judiciary in order to guarantee its independence, impartiality and integrity; ensure that justice is delivered efficiently and without delay and with a gender-sensitive approach;**

(c) **As a priority, to establish measures to effectively combat corruption and impunity and comply with its due diligence obligation to prevent, investigate, prosecute and punish violence perpetrated against women and girls by State and non-State actors;**

(d) **To provide systematic training on human rights, in particular on women's rights, to all law enforcement officials and the military and other armed forces involved in security operations and establish and enforce a strict code of conduct in order to effectively guarantee respect for human rights.**

Women and peace and security

11. The Committee welcomes the information provided by the State party's delegation with regard to the Government's endorsement of the draft national action plan to implement Security Council resolution 1325 (2000). It is concerned, however, that the current draft does not address all aspects of women's participation in the national reconciliation process. It is also concerned that, although a special office for women has been established within the National Reconciliation Committee, the participation of women in the Committee is limited to awareness-raising activities.

12. **The Committee urges the State party to ensure the effective and meaningful participation of women in decision-making processes within the National Reconciliation Committee. It calls upon the State party to establish a**

clear time frame for finalizing the draft national action plan to implement Security Council resolution 1325 (2000), in cooperation with the Kurdistan Region and representatives of women's organizations, and ensure that the plan:

(a) Takes into consideration the full spectrum of the Security Council's agenda on women and peace and security as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013);

(b) Incorporates a model of substantive equality, in line with the Convention, that will have an impact not only on violence against women but also on all spheres of women's life and addresses the intersecting forms of discrimination to which women, including widows and internally displaced and refugee women, are subjected;

(c) Integrates a gender-responsive budget, sets out indicators for the regular monitoring of its implementation and provides for accountability mechanisms.

Refugee, returnee and internally displaced women and girls

13. The Committee is concerned at the increasing number of refugees from the Syrian Arab Republic, in particular women and girls, in the State party and the need to ensure their access to basic services and protection. It is concerned at the limited approach of the national legal framework on refugees currently in force. While noting the measures taken by the Ministry of Displacement and Migration to address the situation of the large numbers of Iraqi returnees and internally displaced persons, the Committee is concerned that those measures do not address the specific risks and particular needs of the various groups of returnee and internally displaced women and girls.

14. **In line with its general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, the Committee recommends that the State party:**

(a) Ensure that immediate humanitarian assistance needs and protection requirements are complemented with long-term strategies in support of the socioeconomic rights and livelihood opportunities of returnee, internally displaced and refugee women, enhanced leadership and participation, with a view to empowering them to choose durable solutions that suit their needs;

(b) Address the specific risks and particular needs of different groups of returnee, internally displaced and refugee women who are subjected to multiple and intersecting forms of discrimination;

(c) Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and the 1961 Convention on the Reduction of Statelessness; amend its national legislation accordingly in order to strengthen the protection of refugees, asylum seekers and stateless persons.

Reservations

15. The Committee notes that the State party has established a joint committee comprising relevant ministries and representatives of civil society to review its reservations to article 2 (f) and (g) and article 16 of the Convention.

16. **The Committee urges the State party to strengthen its efforts towards withdrawing its reservations to article 2 (f) and (g) and article 16 of the Convention, taking into consideration the Committee's statement on reservations (adopted at the nineteenth session, in 1998).**

Constitutional framework and discriminatory laws

17. The Committee notes the adoption of a new constitution in the State party in 2005. It notes with concern contradictions in the constitutional framework, such as the inconsistency between articles 14 and 41. It is concerned:

(a) That, the de facto suspension of article 41 notwithstanding, the political instability, sectarian tensions and rise in traditional and patriarchal attitudes in the State party may lead, in practice, to article 41 being implemented to the detriment of women's rights, given that that article provides for the introduction of different personal status laws according to religious doctrines in the State party;

(b) That the draft Jaafari personal status law, which is to be discussed and possibly adopted by the Council of Representatives, contains discriminatory provisions against women, such as setting the minimum age of marriage for girls at 9 years, in violation of the Convention;

(c) That discriminatory provisions against women remain in, inter alia, articles 41, 128, 377, 380, 398, 409 and 427 of the Penal Code (Act No. 111 (1969)), the Code of Criminal Procedure (Act No. 23 (1971)) and the Personal Status Act (No. 188 (1959));

(d) That gaps remain in the legislation of the State party, such as a lack of specific criminal law provisions on violence against women;

(e) That directives of the Ministry of the Interior contain discriminatory provisions with regard to the requirements for women to obtain a passport and women's freedom of movement.

18. **The Committee recommends that the State party:**

(a) **Resume the work of the Constitutional Revision Committee and repeal article 41 with the aim of guaranteeing equality between women and men, in line with the Convention and article 14 of the Constitution;**

(b) **Immediately withdraw the draft Jaafari personal status law;**

(c) **Repeal all discriminatory provisions against women contained in the Penal Code, the Code of Criminal Procedure and other legislation, regulations and directives and take measures aimed at creating a non-discriminatory legislative and de facto environment for women as previously recommended by the Committee (see A/55/38, part two, para. 181);**

(d) **Review the draft law on domestic violence with a view to ensuring that penalties are imposed on perpetrators of violence against women and harmonize the Penal Code and the Code of Criminal Procedure accordingly;**

(e) **Ban the implementation of discriminatory provisions against women contained in directives of the Ministry of the Interior in order to ensure compliance with decision No. 7/1/3/2711 (2004) of the General Secretariat of the Council of Ministers, which rescinds restrictions to women's freedom of**

movement, and to guarantee equal treatment of women and men with regard to the requirements for obtaining a passport.

National machinery for the advancement of women

19. The Committee notes the establishment of the Ministry of State for Women's Affairs in 2004 and the Supreme Council for Women's Affairs in the Kurdistan Region in 2009, in addition to the creation of gender units in several ministries. It notes that both the Ministry of State for Women's Affairs and the Supreme Council for Women's Affairs in the Kurdistan Region have drafted strategies for the advancement of women and that their approval is pending. The Committee is concerned that the Ministry of State for Women's Affairs does not have its own ministerial portfolio and that there is no specific budget allocation to enable it to fulfil its mandate as the national machinery for the advancement of women.

20. **The Committee recommends that the State party:**

(a) **Adopt without delay the national strategy for the advancement of women and the Kurdistan Region strategy for the advancement of women;**

(b) **Ensure the effective functioning of the Ministry of State for Women's Affairs by providing it with a ministerial portfolio; allocating adequate human, technical and financial resources to it; enhancing its capacity to influence the formulation, design and implementation of public policies; and strengthening its coordination role at all levels of government, in particular at the ministerial level;**

(c) **Establish a clear time frame for consolidating and reinforcing the capacity of and coordination between the Ministry of State for Women's Affairs and the Supreme Council for Women's Affairs in the Kurdistan Region and allocate adequate human, technical and financial resources to the Supreme Council for Women's Affairs in the Kurdistan Region.**

National human rights institutions

21. The Committee notes the establishment of the High Commission for Human Rights of Iraq in accordance with Act No. 53 (2008) and of the Independent Board of Human Rights in the Kurdistan Region (Act No. 4 (2010)). It also notes that the mandate of the High Commission allows it to receive individual complaints and to conduct preliminary investigations into human rights violations. The Committee is concerned, however, at the lack of implementation of Federal Supreme Court decision No. 42 (2012), which provides that the total number of women commissioners should be five (one third of the total). It further notes with concern that the independence of the High Commission might be jeopardized owing to political interests and the difficulties of the Board of Commissioners in electing its President and Vice-President.

22. **The Committee reminds the State party of its responsibility to ensure that the High Commission for Human Rights of Iraq is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its independence. It urges the State party to ensure the implementation of Federal Supreme Court decision No. 42 (2012) on women's representation among the commissioners, in compliance with Act No. 53 (2008).**

Temporary special measures

23. The Committee regrets the lack of detailed information with regard to the temporary special measures in place in the State party to accelerate substantive equality between women and men in all areas covered by the Convention, in particular education, employment and health.

24. **The Committee recommends that the State party expand the understanding of the concept of temporary special measures and the use of such measures, in accordance with article 4 (1) of the Convention and general recommendation No. 25, as part of a necessary strategy towards the achievement of women's substantive equality, in particular for disadvantaged groups of women, such as widows, in such fields as education, employment and health.**

Stereotypes and harmful practices

25. The Committee is concerned at the persistence of deep-rooted patriarchal attitudes and stereotypes in respect of women's roles and responsibilities which discriminate against women and perpetuate their subordination within the family and society and have been exacerbated by the sectarian and religious divisions in the State party. It is deeply concerned at:

(a) The high prevalence of harmful practices that discriminate against women, such as child marriage, temporary marriage and crimes committed in the name of "honour";

(b) Discriminatory provisions in the Penal Code (Act No. 111 (1969)) that allow perpetrators to invoke the defence of honour as a mitigating circumstance for such crimes (articles 128, 130 and 131);

(c) The low number of criminal charges brought to court despite the enactment of legislation repealing legal concessions to perpetrators of crimes committed in the name of "honour" (Act No. 14 (2002)) in the Kurdistan Region, with the cause of death in cases involving killings of women commonly being recorded as unknown or suicide;

(d) Reports indicating the suspiciously high incidence of cases of self-immolation in the Kurdistan Region;

(e) The prevalence of female genital mutilation in the Kurdistan Region, in particular in rural areas, even though the practice is criminalized (Act No. 8 (2011)) and, according to the State party's delegation, is becoming less common in the Kurdistan Region.

26. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy to eliminate all harmful practices and stereotypes, in particular child marriage, temporary marriage and crimes committed in the name of "honour", in conformity with articles 2 and 5 of the Convention, that includes awareness-raising efforts targeting the general public, the media and religious and community leaders, in collaboration with civil society and women's organizations;**

(b) **Repeal articles 128, 130 and 131 of the Penal Code to ensure that perpetrators of crimes committed in the name of "honour" cannot invoke the defence of honour as a mitigating circumstance for such crimes.**

27. **The Committee further recommends that the Kurdistan Region take measures:**

(a) **To eliminate impunity in the case of crimes committed in the name of "honour" by, inter alia, taking measures to improve the methodology of the investigation of such crimes in order to ensure their proper identification and the prosecution and punishment of perpetrators;**

(b) **Strengthen its awareness-raising and educational efforts, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation and its underlying cultural justifications, and enforce the legal provisions prohibiting it.**

Violence against women

28. The Committee notes the adoption of the National Strategy to Combat Violence against Women in Iraq (2013-2017). It welcomes the adoption in the Kurdistan Region of Act No. 8 (2011) on domestic violence and of a strategy to combat violence against women in the Kurdistan Region (2012-2016). The Committee is concerned, however, that violence against women is highly prevalent in the State party and that domestic violence is perceived as normal owing to deep-rooted patriarchal attitudes. It is further concerned:

(a) That the draft law on domestic violence has been awaiting approval by the Council of Ministers since January 2012 in order for it to be submitted to the Council of Representatives for discussion;

(b) That the Kurdistan Region Act No. 8 (2011) and the draft law on domestic violence address violence against women in the private sphere only;

(c) That the regulations to ensure the effective implementation of Act No. 8 (2011) in the Kurdistan Region have not yet been issued and there have been delays in fully establishing the conciliation committees provided for in the Act;

(d) That a number of factors contribute to the underreporting of cases of violence against women, such as cultural barriers and impunity of perpetrators as well as the scarcity of human, technical and financial resources available to police family protection units;

(e) That shelters for women victims of violence are available in the Kurdistan Region only.

29. **In line with its general recommendation No. 19 on violence against women, the Committee urges the State party to expand its approach to violence against women and to ensure that it encompasses acts of violence committed against women in the public and private spheres. It recommends that the State party:**

(a) **Urge the Council of Ministers to transmit to the Council of Representatives the draft law on domestic violence for discussion and adoption; ensure the effective implementation of the National Strategy to Combat Violence against Women in Iraq (2013-2017);**

(b) **Provide systematic training on the draft law to all police officers working in family protection units and continue its efforts to ensure the recruitment and retention of women police officers;**

(c) Ensure the availability of shelters for women victims of violence throughout its territory so as to strengthen both medical and psychological support services for victims, such as counselling and rehabilitation services, and ensure that they are properly resourced and that the quality of the services provided is regularly monitored;

(d) Take appropriate measures to ensure the collection of disaggregated data on all forms of violence against women.

30. **The Committee further recommends that the Kurdistan Region take specific steps:**

(a) To ensure the effective implementation of Act No. 8 (2011) by, inter alia, issuing the regulations necessary for its operationalization;

(b) To develop guidelines specifying which type of domestic violence cases could be referred to conciliation committees and take measures to guarantee the rights of victims whose cases are referred to such committees.

Trafficking and exploitation of prostitution

31. The Committee notes the establishment in 2012 of the Higher Committee to Combat Trafficking in Persons and that instructions to facilitate the implementation of Act No. 28 (2012) are currently pending approval. It also notes the establishment of a shelter for victims of trafficking in persons in Baghdad. The Committee is concerned, however, at the lack of information with regard to the human and financial resources allocated to the shelter and the type and quality of services offered. It is concerned that women and girls often become victims of trafficking after having been kidnapped or offered false promises of marriage and employment. It is also concerned at the lack of information about the extent of trafficking in persons in the State party. The Committee notes with concern the criminalization of prostitution in the State party and the harsh prison sentences — sometimes from 15 years to life — imposed on women involved in prostitution.

32. **The Committee recommends that the State party:**

(a) Expedite the approval of the instructions operationalizing Act No. 28 (2012) and ensure its effective implementation in all its territory;

(b) Establish effective mechanisms for the investigation, prosecution and punishment of trafficking offenders and for the early identification of victims and develop support services for victims and measures for witness protection; systematically compile and analyse disaggregated data on trafficking in women and girls;

(c) Conduct nationwide awareness-raising campaigns on the risks of trafficking targeted at women and girls and provide systematic training to all relevant law enforcement officials on its causes and consequences;

(d) Review its relevant legislation, regulations and decrees in force, including Act No. 8 (1988), Regulation No. 4 (1991) and Decree No. 234 (2001), in order to decriminalize prostitution, ensure that women involved in the sex trade are not punished and provide such women with livelihood opportunities to leave prostitution;

(e) Take all appropriate measures to ensure the immediate release from prison of women serving sentences for prostitution.

Participation in political and public life

33. The Committee appreciates that the 25 per cent quota for women's representation in the Council of Representatives enshrined in the Constitution and in the Elections Act (Amendment Act No. 26 (2009)) was met in the elections held in 2010. It notes that a 25 per cent quota for women in the provincial councils was established by Federal Supreme Court decision No. 13/T/2007. The Committee welcomes the adoption of temporary special measures to encourage women's participation as candidates in the forthcoming legislative elections and the information provided by the delegation indicating that 2,500 women have been registered as candidates. The Committee remains concerned, however, at:

(a) The very low level of participation of women in political and public life, in particular in decision-making positions at all levels of government (national, regional and local), owing to persistent traditional and patriarchal attitudes regarding the role of women in society;

(b) The fact that political parties appear to limit their support to women to simply nominating them as candidates in order to meet the required 25 per cent quota without providing them with the means to enhance their political leadership skills;

(c) The sex segregation of committees in the Council of Representatives, with women participating in committees that deal with topics traditionally associated with women, such as health;

(d) The fact that the Ministry of State for Women's Affairs is the only ministry headed by a woman (1 of 36) and that the representation of women in decision-making positions within the executive branch is very low;

(e) The very low participation of women in the judiciary (6 per cent of the total number of judges and prosecutors), the efforts of the State party notwithstanding.

34. The Committee further appreciates that a 30 per cent quota for women's representation in the Kurdistan regional parliament is stipulated in Act No. 10 (2009) and that the participation of women in the Kurdistan regional government has increased. It is concerned, however, that the main positions at the decision-making level continue to be occupied by men.

35. **The Committee urges the State party:**

(a) To pursue sustained policies aimed at the promotion of the full and equal participation of women in decision-making as a democratic requirement in all areas of public and political life at the national, regional and local levels by, inter alia, adopting temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25;

(b) To ensure that political parties allocate funds to the promotion of women's political leadership and support for women candidates running for elections;

(c) To implement activities to raise awareness of the importance of the participation of women in decision-making, with the aim of eliminating

patriarchal attitudes and stereotypes regarding the roles of women and men in society, in particular for decision-making bodies of political parties;

(d) To take appropriate measures to increase the representation of women in the judiciary, in particular in higher courts, and ensure the appointment of women to the Federal Supreme Court.

Nationality

36. The Committee notes the enactment of Act No. 26 (2006) on nationality, which grants Iraqi women and men the right to transmit their nationality to their children (art. 3). It is concerned, however, that, while Iraqi men may transmit their nationality to their children born outside of the State party's territory on the basis of descent to a male national, article 4 of the Act establishes that Iraqi women may transmit their nationality to their children born outside of the State party's territory only if the father is unknown or stateless and subject to the discretion of the Minister of the Interior. While noting that Act No. 26 (2006) allows Iraqi women to transmit their nationality to their foreign spouse, the Committee is concerned that foreign spouses of Iraqi women face a more stringent process (art. 11) when applying for nationality on the basis of marriage than foreign spouses of Iraqi men (art. 7).

37. **The Committee recommends that the State party amend the discriminatory provisions of Act No. 26 (2006), namely articles 4, 7 and 11, in order to ensure that women and men enjoy equal rights to acquire, transfer, retain and change their nationality, in line with article 9 of the Convention.**

Education

38. The Committee notes the information provided by the State party's delegation with regard to the continuing efforts to integrate human rights principles and values, including equality between women and men, into school curricula. It also notes the efforts of the State party to address the high illiteracy rate through the enactment of Act No. 23 (2011) and its application through a number of measures such as the establishment of literacy centres at the local level. The Committee is concerned, however, at:

(a) The reported continuous increase in the illiteracy rate, in particular among rural girls and young women between 15 and 24 years of age (33.6 per cent);

(b) Difficulties in assessing the extent to which school drop-out rates at the primary and secondary levels have been reduced, owing to the lack of data disaggregated by sex, age and geographical location;

(c) Factors such as lack of security on roads to schools, long distances to schools, poverty and child marriage, which impede the access of girls to education;

(d) Low budget allocation to the education sector and lack of technical and vocational training opportunities for girls.

39. **The Committee recommends that the State party:**

(a) Ensure that gender stereotypes are removed in the context of a revision of the curriculum and textbooks;

(b) Strengthen its efforts to increase literacy rates within the framework of Act No. 23 (2011), in particular among girls and young women in rural areas, and set time-bound targets and monitor their achievement;

(c) Take effective measures to prevent girls from dropping out of school, in particular at the secondary level; collect and analyse data disaggregated by sex, age and geographical location in order to assess the impact of policies and programmes in that regard;

(d) Effectively address the obstacles preventing the access of girls to education by, inter alia, enhancing security on the roads to schools and ensuring that schools are protected by law enforcement officials; combat harmful practices such as child marriage and provide scholarships to girls affected by poverty;

(e) Allocate adequate financial resources to the education sector with the aim of improving and standardizing the quality of education and expanding the availability of technical and vocational training opportunities for girls in non-traditional fields.

Employment

40. The Committee notes with concern the very low participation of women in the formal labour sector, in particular in the private sector where only 2 per cent of the total number of employees are women, most of whom are employed in low-paid and low-skilled jobs. It is concerned at delays in the adoption of the draft labour code, in particular because the legal framework in force does not guarantee equality between women and men employees. While noting that sexual harassment in public places is addressed in the Penal Code, the Committee is concerned at the absence of legislation specifically defining and prohibiting sexual harassment in the workplace. The Committee is also concerned at the lack of information with regard to the situation of women working in the informal labour sector, in particular those engaged in agricultural and domestic work.

41. **The Committee recommends that the State party:**

(a) Expedite the adoption of the draft labour code and ensure that it guarantees equality between women and men, prohibits discrimination and enshrines the principle of equal pay for work of equal value;

(b) Enact specific legislation prohibiting sexual harassment in the workplace;

(c) Adopt effective measures, including temporary special measures, to increase the participation of women in the formal labour market and eliminate both horizontal and vertical occupational segregation;

(d) Take measures aimed at the protection of women working in other areas of the informal sector, such as agricultural and domestic work, in line with the Convention, and provide information in that regard in its next periodic report.

Health

42. The Committee welcomes the steady decrease in the level of maternal mortality (25 per 100,000 live births in 2012) in the State party since 2003 and notes its efforts to address the incidence of cancer, at the federal and regional levels, through, for example, screening to ensure early detection. The Committee is nevertheless concerned at:

(a) The consistent increase in the number of cancer cases, in particular breast cancer, among young women owing to the continuing deterioration of environmental conditions in the State party;

(b) Research results indicating that the presence of toxic levels of mercury has led to an increase in birth defects and miscarriages;

(c) Low budgetary allocations to the health sector (6 per cent of total public spending in 2009) and its impact on women's access to high-quality health-care services, in particular in rural areas;

(d) Women's lack of adequate access to family planning and the low use of contraceptives owing to patriarchal attitudes, in addition to the scarcity of information on abortion and post-abortion services.

43. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to address the high rates of cancer, in particular breast cancer, by, inter alia, developing a strategy setting specific targets in coordination with the regions and governorates to improve prevention, early detection, treatment and psychological support for women and girls with cancer and by allocating adequate human and financial resources for that purpose;**

(b) **Adopt specific and well-coordinated measures to address the continuing deterioration of environmental conditions in order to reduce the incidence of birth defects in children and cancers and miscarriages in women;**

(c) **Improve women's access to health-care facilities and medical assistance by trained personnel, including by women health-care professionals, especially in rural and remote areas;**

(d) **Conduct awareness-raising campaigns to eliminate patriarchal attitudes and cultural beliefs that impede women's free access to family planning services and contraceptive methods; ensure that such services and methods are available, affordable and accessible to women;**

(e) **Provide detailed information in its next periodic report on the grounds on which abortion is permitted and on the abortion and post-abortion services available to women.**

Rural women

44. The Committee notes the initiatives undertaken by the State party to promote the advancement of rural women. It is concerned, however, at the prevalence of customs and traditional practices that limit the degree of involvement of rural women in development programmes and their access to credit and prevent them from inheriting or acquiring land and other property. The Committee is also concerned at the difficulties faced by rural women in gaining access to health-care and social services and in participating in decision-making processes at the community level.

45. **The Committee recommends that the State party:**

(a) **Conduct awareness-raising campaigns on the importance of the participation of rural women in development projects as decision makers and beneficiaries;**

(b) **Strengthen its efforts to address the needs of rural women and ensure that they have equal access to health-care and social services, education, clean water and sanitation services, credit, fertile land and land ownership, and income-generating opportunities.**

Widows

46. The Committee notes the State party's efforts to address the situation of the large number of widows, the majority of whom are heads of households. It is concerned, however, that widows are at a high risk of being subjected to violence and different forms of exploitation, including sexual exploitation, owing to their precarious economic and social situation. It is concerned at the very low number of widows (some 200,000) who benefit from the economic support provided by the Department of Women's Welfare, considering that there are an estimated 1.5 million widows in the State party. It is further concerned at the lack of capacity-building and empowerment opportunities for widows.

47. **The Committee urges the State party to enhance the human, technical and financial capacity of the Department of Women's Welfare in order to enable it to adequately address the situation of widows. It recommends that the State party:**

(a) **Ensure that widows receive adequate pensions, social security and other benefits;**

(b) **Provide widows with opportunities to improve their situation, including through job training, loans, counselling services and awareness-raising programmes aimed at ending the stigmatization of widows within the family and the community;**

(c) **Take appropriate measures to effectively protect widows from violence and exploitation, in particular sexual exploitation.**

Women in detention

48. The Committee expresses its deep concern at the situation of women held in detention facilities in the State party. It is particularly concerned at:

(a) Reports indicating that women convicted of murder have been sentenced to death; the execution, between 2005 and 2012, of a total of 13 women;

(b) Information indicating that women convicted of adultery or prostitution are serving sentences ranging from 15 years to life;

(c) Reports of arbitrary detention of women, torture and sexual violence in prisons, obstacles faced by women in detention when seeking access to justice, and lack of legal assistance;

(d) The precarious conditions and overcrowding of some detention facilities and the lack of adequate health-care facilities and services for women detainees.

49. **The Committee urges the State party:**

(a) **To issue a moratorium on the death penalty, in line with the recommendations of the international community, and halt the execution of women on death row;**

(b) To ensure that allegations by women detainees of human rights violations, in particular arbitrary detention, torture and sexual violence, are effectively investigated and the perpetrators prosecuted and adequately punished;

(c) To address the situation of women in detention through the development of comprehensive gender-sensitive policies, strategies and programmes aimed at facilitating their access to justice and ensuring respect for fair trial guarantees, as well as providing educational and rehabilitation programmes for women in detention;

(d) To improve the conditions of women's detention facilities in line with international standards, address overcrowding in prisons and ensure the provision of adequate health-care services, in particular for pregnant women.

Women belonging to religious and ethnic minorities

50. The Committee notes the information provided by the State party with regard to the measures in place to prevent targeted violence against members of religious and ethnic minorities, in particular women. It is concerned, however, at the negative impact of the increase in violence and the sectarian and religious tensions in the State party on the lives and well-being of women belonging to religious and ethnic minorities. The Committee is also concerned at the lack of detailed information with regard to the situation of those groups of women and the lack of specific measures in place to ensure the enjoyment of their rights.

51. **The Committee recommends that the State party take preventive measures in order to protect women belonging to religious and ethnic minorities from violence by State and non-State actors. It further recommends that the State party conduct an assessment of the situation of those groups of women in all areas covered by the Convention and provide information in that regard in its next periodic report.**

Marriage and family relations

52. The Committee notes with concern that the implementation of article 41 of the Constitution (2005) undermines the Personal Status Act (No. 188 (1959)) of the State party, given that it allows the adoption of different personal status laws according to religious doctrines, to the detriment of women's rights in the field of marriage and family relations. It is further concerned at:

(a) Discriminatory provisions against women contained in the draft Jaafari personal status law, based on article 41 of the Constitution, such as the provision setting the minimum age of marriage for girls at 9 years and the requirement for women to have a male guardian (*wali*) and his consent to be able to get married;

(b) Legal exceptions to the minimum age for marriage, set at 18 years for women and men, in Act No. 188 (1959), which allow for the marriage of girls at the age of 15 years;

(c) The fact that polygamy is permitted in certain circumstances under the Personal Status Act (No. 188 (1959)) and Act No. 15 (2008) in the Kurdistan Region;

(d) The increasing number of child, polygamous and temporary marriages;

(e) The increased number of unregistered marriages and their negative impact on the rights of women, in particular their economic, social and cultural rights.

53. **In line with its general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution, the Committee recalls that identity-based personal status laws and customs perpetuate discrimination against women and that the preservation of multiple legal systems is in itself discriminatory against women. It recommends that the State party:**

(a) **Immediately withdraw the draft Jafaari personal status law;**

(b) **Repeal the discriminatory legal exceptions to the minimum age of marriage for girls contained in the Personal Status Act (No. 188 (1959)) and ensure that legal exceptions to the minimum age of marriage, set at 18 years for both women and men, are granted only in exceptional cases and authorized by a competent court for girls and boys of at least 16 years of age and upon their expressed consent;**

(c) **Take the legislative measures necessary to prohibit polygamy;**

(d) **Ensure the registration of all marriages, in line with the Personal Status Act (No. 188 (1959)).**

Optional Protocol and amendment to article 20 (1) of the Convention

54. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

55. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Millennium Development Goals and the post-2015 development framework

56. **The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and in relation to the post-2015 development framework.**

Dissemination

57. **The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests that the present concluding observations be disseminated in a timely manner, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Council of Representatives, provincial councils, the Kurdistan regional parliament and the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organizations, universities, research**

institutions and the media. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, so as to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the Convention, the Optional Protocol thereto and relevant jurisprudence, in addition to the Committee's general recommendations, to all stakeholders.

Technical assistance

58. **The Committee recommends that the State party consider seeking international assistance and avail itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.**

Ratification of other treaties

59. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

Follow-up to concluding observations

60. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 and 18 above.**

Preparation of the next report

61. **The Committee invites the State party to submit its seventh periodic report by February 2018.**

62. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1).**

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[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.